IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Crl.MC.No. 2382 of 2007()

CMP.2515/2007 of JUDL. MAGISTRATE OF FIRST CLASS-IV, KOZHIKODE

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PETITIONER:

SALIM K.T., S/O MOIDEEN KOYA,
PUTHIYOTTIL HOUSE, P.O.THIRUVANNUR,
KOZHIKODE.

BY ADV. SRI.R.SUDHISH

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
(REPRESENTING S.I. OF POLICE, NADAKKAVU POLICE
STATION).

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/07/2007, A/W. CRMC 2389 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.Nos. 2382 & 2389 of 2007

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Dated this the 25th day of July, 2007

O R D E R

The petitioners in these two petitions are owners of vehicles, which were involved in the alleged offences committed under the Kerala Protection of River Banks & Regulation of Removal of Sand Act. By the impugned orders, the learned Magistrate had directed that the vehicles be released to the petitioners subject to conditions. The petitioners are aggrieved by the condition that the petitioners as well as their sureties must produce solvency certificates. The procedure for obtaining solvency certificate is cumbersome. It would involve a lot of delay and expenses. In these circumstances the learned counsel for the petitioners prays that the said condition may be modified. Because of the onerous nature of the condition, the vehicles are even now exposed to sun and rain in the custody of the court, submits counsel.

2. The learned Prosecutor submits that in case this court is pleased to accept the request of the petitioners, they may be directed to deposit an amount of Rs.25,000/- each being the maximum fine payable for the alleged violation and then execute bonds for the

balance amount with two solvent sureties each for the like sum. I am satisfied that the said suggestion, which is accepted by the counsel for the petitioners also, can be accepted.

3. These petitions are in these circumstances allowed. The condition that the petitioners and the sureties must produce solvency certificates is modified. It shall be sufficient if each petitioner deposits an amount of Rs.25,000/- before the learned Magistrate and executes a bond with two solvent sureties each for the balance amount. Insistence on production of solvency certificates by the sureties need not be made. It shall be sufficient if the sureties satisfy the learned Magistrate that they are adequately solvent by production of any appropriation document/material.

(R. BASANT)
Judge

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